Birmingham City Commission Minutes
June 3, 2024
Municipal Building, 151 Martin
7:30 p.m.
Vimeo Link: https://vimeo.com/953310004

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Elaine McLain, Mayor, opened the meeting with the Pledge of Allegiance.

II. ROLL CALL

City Clerk Bingham called the roll.

Present: Mayor McLain
MPT Schafer
Commissioner Baller
Commissioner Haig
Commissioner Host
Commissioner Long
Commissioner Longe

Absent: None

Staff: Assistant City Manager Fairbairn; City Clerk Bingham, Assistant City Manager Clemence, City Engineer Coatta, Planning Director Dupuis, Parking Systems Manager Ford, Finance Director Gerber, Police Captain Koch, City Attorney Kucharek

III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS

Appointments

Martha Wilker was unavailable to be interviewed for the Parks and Recreation Board. It was recommended that she apply for the next open position on the Parks and Recreation Board or for a different opportunity.

06-445-24 Parks and Recreation Board

Narlu Castellano was interviewed by the Commission.

MOTION: Nomination by Commissioner Longe:
To appoint Narlu Castellano to the Parks and Recreation Board as an alternate member to serve the remainder of a three-year term to expire March 13, 2025.

VOICE VOTE: Ayes, Commissioner Baller
MPT Schafer
Commissioner Longe
Commissioner Haig
Commissioner Host
Mayor McLain
Commissioner Long

Nays, None

06-446-24 Ad Hoc Senior/Recreation Center Committee

Evan Dix was interviewed by the Commission.

MOTION: Nomination by Commissioner Long:
To appoint Evan Dix as a non-voting student member to the Ad Hoc Senior/Recreation Center Committee to serve a three-year term to expire March 4, 2027.

VOICE VOTE: Ayes, Commissioner Baller
MPT Schafer
Commissioner Longe
Commissioner Haig
Commissioner Host
Mayor McLain
Commissioner Long

Nays, None

The Clerk swore in the present appointees.

IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

John Hoffler spoke in support of retaining the pool at the YMCA.

V. CONSENT AGENDA

06-447-24 Consent Agenda

MOTION: Motion by Commissioner Longe, seconded by Commissioner Long:
To approve the Consent Agenda omitting Items A, C, F, and L, and noting Commissioner Baller's recusal from Item I.

ROLL CALL VOTE: Ayes, Commissioner Longe
Commissioner Long
MPT Schafer
Commissioner Haig
Commissioner Baller

Commissioner Host
Mayor McLain

Nays, None

B. Resolution to approve the warrant list, including Automated Clearing House payments, dated May 23, 2024 in the amount of $929,851.97.

D. Resolution to approve a special event permit as requested by the Birmingham Shopping District to hold the Birmingham Cruise Event on August 17, 2024 contingent upon compliance with all permit and insurance requirements and payment of all fees and, further pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event, or event cancellation that may be deemed necessary by administrative staff, leading up to or at the time of the event.

E. Special Event Application Cancellation: Out of Office Cruise Event. No action required.

G. Resolution to set a public hearing date of July 8, 2024 to consider the Special Land Use Permit Amendment for 115 Willits to transfer ownership and update the Special Land Use Permit with the new owner, Birmingham Omni Hospitality, LLC (Sprazzo).

H. Resolution to set a public hearing date of July 8, 2024 to consider the Special Land Use Permit Amendment, Final Site Plan and Design Review for 219 Elm St. – All Seasons 2 – to revise the first-floor layout to include one commercial tenant space with associated interior and exterior renovations and to reconsider the conditions for additional building height.

I. Resolution to set the Public Hearing of Necessity of the replacement and improvement of sewer and water laterals meeting the requirements for assessment, for all properties within the project area on Arlington Street from Lincoln Street to Maple Road, Shirley Road from Lincoln Street to Maple Road, and Brandon Street from Shirley Road to Linden Road on Monday, June 24, 2024 at 7:30 P.M.; and

   If necessity is determined on June 24, 2024, to meet on Monday, July 8, 2024, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the replacement and improvement of sewer and water laterals meeting the requirements for assessment, for all properties within the project area on Arlington Street from Lincoln Street to Maple Road, Shirley Road from Lincoln Street to Maple Road, and Brandon Street from Shirley Road to Linden Road.

J. Resolution to set the Public Hearing of Necessity of the replacement and improvement of sewer and water laterals meeting the requirements for assessment, for all properties within the project area on N. Adams Road, between south of Madison Street and the north City limits, on Monday, July 8, 2024 at 7:30 P.M.; and

   If necessity is determined on July 8, 2024, to meet on Monday, July 22, 2024, at 7:30 P.M., for the purpose of conducting the Public Hearing to Confirm the Assessment Roll for the replacement and improvement of sewer and water laterals meeting the requirements for assessment, for all properties within the project area on N. Adams Road, between south of Madison Street and the north City limits.

K. Resolution to approve a change order to the 2022-2023 Cape Seal Program #6-22 (P) for the 2024 Cape Seal Program #5-24 (P) in the amount not to exceed $315,961.55. In addition, to authorize the Mayor and City Clerk to sign the First Amendment to the 2022-2023 Cape Seal Program, and the City Engineer to sign the change order. Funding for this project has been budgeted in the following account:

Fund Account	Fund ID Number	Budget	Change Order Amount
Local Street Fund	203.0-449.001-981.0100	$370,000.00	$315,961.55

06-448-24 City Commission Minutes — May 20, 2024 (Item A)

Commissioner Haig pulled Item A from the Consent Agenda and noted a typographical error.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Long:
To approve the regular City Commission meeting minutes of the meeting held on May 20, 2024 as amended.

ROLL CALL VOTE: Ayes, Commissioner Longe
Commissioner Long
MPT Schafer
Commissioner Haig
Commissioner Baller
Commissioner Host
Mayor McLain

Nays, None

06-449-24 Warrant List — May 30, 2024 (Item C)

Mayor McLain pulled Item C from the Consent Agenda and noted a payment to the 48th District Court.

MOTION: Motion by Commissioner Haig, seconded by Commissioner Baller:
To approve the warrant list, including Automated Clearing House payments, dated May 30, 2024 in the amount of $313,226,77.

ROLL CALL VOTE: Ayes, Commissioner Longe
Commissioner Long
MPT Schafer
Commissioner Haig
Commissioner Baller
Commissioner Host
Mayor McLain

Nays, None

06-450-24 4th Quarter Budget Amendment (Item F)

Commissioner Host pulled Item C from the Consent Agenda.

Staff answered informational questions from the Commission.

Commissioner comment on the item was as follows:

- Given the costs of participating in the 48th District Court, the City should re-evaluate its relationship to the Court.

MOTION: Motion by Commissioner Host, seconded by Commissioner Haig:
To approve the appropriations and amendments to the fiscal year 2022-2023 budget as follows:

General Fund:

Expenditures:		
Judicial	101.0-286.000-959.0300	$ 186,000
Public Works	101.0-444.000-981.0100	(604,360)
Recreation and Culture	101.0-751.000-702.0001	100,000
	101.0-751.000-811.0000	80,000
	101.0-758.000-702.0001	30,000
	101.0-785.001-702.0001	100,000
	101.0-785.002-889.0000	20,000
	101.0-804.002-702.0001	40,000
Transfers Out	101.0-999.000-995.4030	48,360
Total Expenditure Adjustments		$ 0

Brownfield Redevelopment Authority:

Revenues:		
Draw from Fund Balance	243.0-000.000-400.0000	$46,700
Expenditures:		
Community & Economic Dev.	243.0-726.000-967.0100	$46,700

Capital Projects Fund:

Revenues:		
Draw from Fund Balance	403.0-000.000-400.0000	$(48,360)
Transfers In	403.0-901.018-699.0101	48,360
Total Revenue Adjustment		$ 0

Commissioner discussion regarding the motion was as follows:

- The City's financial contributions to the 48th District Court are not a 'loss', but rather an expenditure for services, many of which are legally required. The alternative would be the City operating its own court, which would likely cost more than the City's present payments to the 48th District Court.
- Fiscal responsibility is essential, and it is likely most fiscally responsible to continue participating in the Court, and to continue working with the Court to reduce its budgetary costs wherever possible.
- While the recent changes to the Court's funding structure were disappointing, it would be most helpful to hear proposed solutions to the situation.

- Some residents have supported increased traffic enforcement on Woodward. This increased traffic enforcement led to more City business with the Court, which led to an increase in the City's Court-related costs.
- The increases in the City's Court-related costs in 2023 and 2024 were due to the City's increased use of the Court's services.
- There was a change in State law in 2021 or 2022 that also increased the Court's required activities, and thus increased the City's funding burden. It would be helpful to know if there were any grants available to offset the costs of those newly-required activities.
- In an email to Commissioners, staff provided information regarding the City's court-related costs dating back to 2019. For interested parties, recordings and minutes regarding the Commission's prior discussions of this topic are publicly available.
- It would be helpful to know whether it would be more financially beneficial to locate Birmingham's court-related services within Birmingham, or whether it is more financially beneficial to continue participating in the 48th District Court.

ROLL CALL VOTE: Ayes, Commissioner Longe
Commissioner Long
MPT Schafer
Commissioner Haig
Commissioner Baller
Commissioner Host
Mayor McLain

Nays, None

06-451-24 2024 Asphalt Resurfacing Program Project — Contract #2-24 (P) Contract Award (Item L)

Commissioner Baller pulled Item L from the Consent Agenda and noted the cost of the project.

Staff answered informational questions from the Commission.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Longe:
To award the 2024 Asphalt Resurfacing Program Project #2-24 (P) to Best Asphalt, Inc. in the amount of $834,583.50 and a 10% construction contingency for a total of $918,041.85. In addition, authorize the Mayor and the City Clerk to sign the agreement on behalf of the City after the review of Best Asphalt, Inc. insurance and bond, contingent upon execution of the agreement and meeting all insurance and bonding requirements. Funding for this project has been budgeted in the following accounts:

Fund Account	Fund ID #	Project Award	10% Conting.	Total
Maj. Street Fund	202.0-449.001-981.0100	$205,967.11	$20,596.71	$226,563.82
Local Street Fund	203.0-449.001-981.0100	$565,878.89	$56,587.89	$622,466.78
General Fund - Parks	101.0-751.000-811.0000	$62,737.50	$6,273.75	$69,011.25
Total Construction Costs		**$834,583.50**	**$83,458.35**	**$918,041.85**

And to approve the appropriation and amendment of the 2023-2024 fiscal year budget as follows:

Major Street Fund:		
Revenues:		
202.0-000.000-400.0000	Draw from Fund Balance	$32,570
Total Revenue		$32,570
Expenditures:		
202.0-449.001-981.0100	Public Works - Public Improvement	$32,570
Total Expenses		$32,570
Local Street Fund:		
Revenues:		
203.0-000.000-400.0000	Draw from Fund Balance	$89,470
Total Revenue		$89,470
Expenditures:		
203.0-449.001-981.0100	Public Works - Public Improvement	$89,470
Total Expenses		$89,470
General Fund:		
Revenues:		
101.0-000.000-400.0000	Draw from Fund Balance	$19,020
Total Revenue		$19,020
Expenditures:		
101.0-751.000-811.0000	Parks – Other Contracted Services	$19,020
Total Expenses		$19,020

ROLL CALL VOTE: Ayes, Commissioner Longe
Commissioner Long
MPT Schafer
Commissioner Haig
Commissioner Baller
Commissioner Host
Mayor McLain

Nays, None

VI. CITY MANAGER'S REPORT

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

Public Hearing — 260 N. Old Woodward — Coterie (formerly "The Morrie") – Special Land Use Permit Amendment (Ownership Change)

The Mayor opened the public hearing at 8:10 p.m.

PD Dupuis presented the item.

Randy Foumia, potential new operator at 260 N. Old Woodward, and Joe Shallal, Mr. Foumia's attorney, introduced themselves to the Commission.

Seeing no public comment, the Mayor closed the public hearing at 8:12 p.m.

Staff and Mr. Foumia answered informational questions from the Commission.

It was noted that the item should be postponed in order to update all documentation to reflect the applicant's changing of the business name from Coterie to Terra Kitchen and Cocktails. It was recommended that the cost of re-noticing be borne by the applicant since the proposed changes did not follow the appropriate process.

06-452-24 S. Eton Cultural Resources Survey — RFP

The Mayor noted this Kraemer Design Group (KDG) is different from Kramer Design Group, which is presently working with the City on the Senior/Community Center project.

PD Dupuis presented the item and answered informational questions from the Commission.

Commissioner comment on the item was as follows:

- There was support for the City's pursuit of the TAP Grant.
- There was appreciation for the historical resources included in the agenda item.

Cassandra Talley and Katie Cook, architectural historians with KDG, introduced themselves to the Commission.

MOTION: Motion by Commissioner Longe, seconded by Commissioner Haig:
To approve an agreement with Kraemer Design Group for historical surveying services in the amount not to exceed $19,880 from account # 101.0-701.000- 825.0100. In addition, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.

ROLL CALL VOTE: Ayes, Commissioner Longe
Commissioner Long
MPT Schafer
Commissioner Haig
Commissioner Baller
Commissioner Host
Mayor McLain

Nays, None

06-453-24 2024 Chester St. Parking Garage Repair Project

PSM Ford presented the item. Staff and Sarah Rush of WJE answered informational questions from the Commission.

Commissioner discussion on the item was as follows:

- It would be helpful for parking spaces in the garage to be wider to allow easier ingress and egress to one's vehicle.
- An interior designer should have been brought on in order to improve the garage experience for patrons. Many garages in other cities offer a much more pleasing experience, and Birmingham should seek to improve in that area. The City's Architectural Review Board may be able to review these kinds of public projects.
- These garages are assets to the City, and it is imperative that repairs and maintenance are undertaken.
- The Planning Board reviews private projects for design aspects and the City should review its public projects for similar design considerations as well.
- These safety improvements should be done in collaboration with an interior designer in order to make sure the lighting, paint, and other aesthetic aspects align with an overall aesthetic vision for the garages.
- Projects like this should have their structural and aesthetic aspects done concurrently for best results.
- This specific item is structural, not aesthetic, in nature. It might be appropriate to establish a committee that could deal with the aesthetics. To add aesthetic considerations to this stage of the project could delay the project.
- Functional and safety considerations for the lighting would significantly reduce the lighting design options for this particular project. Much of the funding requested for lighting in this item would likely be related to required electrical improvements. The recommended paint is also functional in impact, as opposed to aesthetic.
- Delaying this stage of the project will delay the safety improvements and likely increase the project's costs.
- This item could be postponed to the next meeting, and the lighting and painting proposals could be presented to the Commission for their review and approval.
- The Commission was previously adamant about reviewing the light fixtures for the N. Old Woodward deck, cut sheets of the lighting should have been provided for this project as well.
- Projects like this should be brought to the Commission with renderings, information on materials and fixtures, and other aesthetic details.
- Restarting the bidding process could result in more complexities since both bidders are now aware of the details of the other's bid.
- The City would not necessarily need to start the bidding process over to make these changes. The contract could possibly be awarded with the clarification that the City may select a different lighting fixture. If that selection were to result in a moderate change to the 'light fixture replacement' line item, that could be resolved via a change order from the Commission.
- This presentation did not adequately address many of the Commission's previously stated concerns regarding this project. Representatives from WJE, the bidders, the

lighting architect that selected the lights, members of the Advisory Parking Committee, and other relevant parties should have been present. The Advisory Parking Committee's opinions on this project should also have been included in the item.

MOTION: Motion by MPT Schafer, seconded by Commissioner Haig:
To table the contract with RAM Construction and the other bidder, to discuss the lighting and paint changes with the bidders, and to come back with a recommendation at the next meeting on June 24, 2024.

Public Comment
Patricia Batey spoke in support of increased aesthetic attention to all aspects of the garages, and in support of making the garages more aesthetically harmonious with the City as a whole.

Mr. Dix said he was struggling to find the importance of the aesthetics of a parking garage.

Commissioner discussion regarding the motion was as follows:

- The next meeting should have a visual presentation regarding the brightness, fixtures, and general ambiance of the lighting, which may resolve the aforementioned concerns. The presentation should also clarify how many parking spaces might be lost if the parking spaces are widened.
- Representatives from WJE, the bidders, the lighting architect that selected the lights, members of the Advisory Parking Committee, and other relevant parties should be present at the June 24, 2024 meeting in order to provide more detail and answer questions.
- Ms. Batey's comments as a neighbor to the garages were helpful, and if she could return with any similarly-minded neighbors willing to provide perspective at the June 24, 2024 presentation that could be helpful as well.

ROLL CALL VOTE: Ayes, Commissioner Longe
Commissioner Long
MPT Schafer
Commissioner Haig
Commissioner Baller
Commissioner Host
Mayor McLain

Nays, None

06-454-24 2024 Chester St. Garage Repair – Construction Period Services

PSM Ford recommended that the item be postponed since this item was contingent on the previous item.

MOTION: Motion by Commissioner Long, seconded by Commissioner Host:
To adjourn Item D, on page five of the agenda, until the 24th of June to be considered in conjunction with the other item.

ROLL CALL VOTE: Ayes, Commissioner Longe

Commissioner Long
MPT Schafer
Commissioner Haig
Commissioner Baller
Commissioner Host
Mayor McLain

Nays, None

Commission Discussion On Items From A Prior Meeting (Part I)

06-454-24 Condition of Lincoln

Staff provided guidance regarding the item.

Commissioner discussion on the topic was as follows:

- This topic should have appeared under 'Commission discussion on items from a prior meeting' on the May 20, 2024 agenda.
- The present discussion is the second step regarding Lincoln between Eton and the railroad tracks. The road is in disrepair and the City should evaluate addressing the road as soon as feasible.
- Drivers sometimes occasionally drive into a parking lot in order to avoid the roadway.
- Holistic designs should be considered for the East Lincoln area, given its proximity to the ice arena, swimming pool, tennis courts, and the skate park.
- The road does not function well and many residents have raised concerns about it.
- The PASER assessment for the road and the subterranean infrastructure should be clarified in order to determine next steps.
- The skate park is very loud, and moving it elsewhere may result in complaints from residents.
- It would be appropriate to look into what it would cost to put the powerlines in this area underground.

MOTION: Motion by Commissioner Long, seconded by Commissioner Host:
To direct City staff to come back at the next reasonable meeting with regard to the PASER rating of the road, the ability to move the road to an earlier date and time.

VOICE VOTE: Ayes, Commissioner Longe
Commissioner Long
MPT Schafer
Commissioner Haig
Commissioner Baller
Commissioner Host
Mayor McLain

Nays, None

Commission Items for Future Discussion

06-455-24 Report on Sidewalks

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To request a report posthaste from the City about requiring sidewalks by builders on new projects.

VOICE VOTE: Ayes, Commissioner Longe
Commissioner Long
MPT Schafer
Commissioner Haig
Commissioner Baller
Commissioner Host
Mayor McLain

Nays, None

06-456-24 Sidewalks on Arlington

Staff provided guidance regarding the item.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Host:
To direct staff to direct the contractors on Arlington to indefinitely postpone work on the sidewalks.

VOICE VOTE: Ayes, Commissioner Longe
Commissioner Long
MPT Schafer
Commissioner Haig
Commissioner Baller
Commissioner Host
Mayor McLain

Nays, None

06-457-24 Sidewalks Throughout the City

Staff provided guidance regarding the item.

Commissioner discussion regarding the item was as follows:

- Commissioner Baller was permitted to discuss motions 06-455-24 through 06-457-24 because they did not have to do with the Arlington and Shirley project specifically, but rather had to do with Citywide policy regarding new builds where sidewalks do not exist.
- The topics raised by motions 06-455-24 through 06-457-24 needed to be addressed urgently.

MOTION: Motion by Commissioner Baller, seconded by Mayor McLain:

To apply our previous approved motion to all projects where a contractor is being required to put a sidewalk in as part of a new build where it does not exist.

VOICE VOTE: Ayes, Commissioner Longe
Commissioner Long
MPT Schafer
Commissioner Haig
Commissioner Baller
Commissioner Host
Mayor McLain

Nays, None

Public Comment
Ms. Batey commented on potential changes to the City policy regarding sidewalks and new builds.

Commission Discussion On Items From A Prior Meeting (Part II)

06-458-24 Design Considerations

Commissioner discussion on the topic was as follows:

- Efforts to fill the vacancy on the Architectural Review Committee should be increased.
- Every agenda item should have a section for staff to address design considerations.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Long:
To direct staff to include a design consideration section on agenda items.

VOICE VOTE: Ayes, Commissioner Longe
Commissioner Long
MPT Schafer
Commissioner Haig
Commissioner Baller
Commissioner Host
Mayor McLain

Nays, None

06-459-24 Review of RFP Practices

Commissioner discussion on the topic was as follows:

- There should be a presentation about RFP best practices and processes.
- It would also beneficial to discuss potential improvements to the RFP process.
- The RFP process could likely benefit from Commission review of RFP language before an RFP is issued. Both the Chester Street Garage and the Senior/Community Center project likely would have benefited from Commission review of the RFP language before issuance.
- It would be useful to understand how RFPs are handled in other communities, what the normal Commission role vis-a-vis RFPs are, and the Commission's ability to

influence the outcome of projects by being able to provide input to the RFPs at the outset.
- This could be an appropriate workshop item.

MOTION: Motion by Commissioner Baller, seconded by Commissioner Longe: To review RFP processes.

VOICE VOTE: Ayes, Commissioner Longe
Commissioner Long
MPT Schafer
Commissioner Haig
Commissioner Baller
Commissioner Host
Mayor McLain

Nays, None

VIII. REMOVED FROM CONSENT AGENDA

IX. COMMUNICATIONS

A. Shirley & Arlington Letters

Commissioner Baller recused himself due to his residence in the project area and left the room at 10:57 p.m.

Jim Mirro commented regarding the letters.

Ms. Beatty supported making Shirley and Arlington more pedestrian-friendly.

Commissioner Baller rejoined the meeting at the conclusion of this item at 11:00 p.m.

X. REPORTS

A. Commissioner Reports
    1. Notice of intention to appoint to the Greenwood Cemetery Advisory Board
    2. Notice of intention to appoint to the Hearing Officer
    3. Notice of intention to appoint to the Museum Board
B. Commissioner Comments

MPT Schafer spoke in support of learning more about the City's policies for sidewalks and new builds.

Commissioner Long noted that his prior motion regarding Arlington and Shirley was made without the knowledge that the City could require that sidewalks be added in front of newly built homes.

He emphasized that his motion entailed no intent to add sidewalks to Arlington and Shirley via an indirect mechanism.

Mayor McLain thanked all who attended the Memorial Day observance in the park, spoke about hers and Commissioner Haig's experience at the Tory Community Association meeting, and addressed the question raised by Mr. Dix regarding the garages earlier in the meeting.

C. Advisory Boards, Committees, Commissions' Reports and Agendas
D. Legislation
E. City Staff
    1. Parking Kiosk Help Button

INFORMATION ONLY

XI. ADJOURN

The Commission motioned to adjourn at 11:09 p.m.

Alexandria Bingham, City Clerk

Laura Eichenhorn, City Transcriptionist